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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,851	05/09/2002	Serge Saint-Dizier	0512-1007	2474

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/049,851

Applicant(s)

SAINT-DIZIER, SERGE

Examiner

Barbara J. Musser

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-32 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-32 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-22, 27, 28, 30, 31, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luckett et al.(U.S. Patent 6,149,853) in view of Moffitt et al.(WO 98/31524) and Barber et al.

Luckett et al. discloses a method of manufacturing door panels by placing a cover layer in a frame(22), placing it between two mold surfaces, closing the mold while the mold presses the cover layer into the mold partly shaping it to the shape of the mold, injecting resin(overmolding), allowing the plastic to set, and removing the formed door panel from the mold.(Abstract; Figures 1 and 2; Col. 2, ll. 49-53; Col. 3, ll. 62) The reference does not disclose applying a pre-cut insert to the cover layer prior to molding. Moffitt et al. discloses making a vehicle trim panel applying a pre-cut second layer to a pre-cut first larger layer, placing the composite in a mold, closing the mold, and injection molding foam behind it so that the second layer remains visible.(Abstract; Figure 4) Such trim panels are used as door panels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the process of Luckett et al. to make a variety of trim panels such as that of Moffitt et al., since the process of Luckett et al. easily forms a door panel(Col. 2, ll. 26-34), since Moffitt et al. discloses a

Art Unit: 1733

method of securing a desirable decorative insert on the trim panel, and since door panels are often formed with decorative inserts.(Moffitt et al., Pg. 1, ll. 9-12) Neither reference discloses cutting off the clamping margin of the cover layer. Barber et al. discloses molding an item and then moving it to another location where the clamping edges are cut off.(Col. 5, ll. 24-33) It would have been obvious to one of ordinary skill in the art at the time the invention was made to cut off the clamping edges after removal from the mold in Luckett et al. and Moffitt et al. since Luckett et al. shows the cover layer is removed from the mold using the clamping frame, indicating the clamping edges are not cut off prior to removal from the mold and since Barber et al. discloses it is known to use a clamping frame to move an item to a mold and then from the mold, and then to cut off the clamping edges of the item.(Col. 5, ll. 24-33)

Regarding claim 21, Moffitt et al. discloses the secondary layer is secured to the cover layer using adhesive.(Pg. 2, ll. 8)

Regarding claim 22, one in the art would appreciate that since the shape of the mold presses the cover layer into the mold in Luckett et al. and the clamping frame is holding the edges of the cover layer, the cover layer would be stretched during closure since its edges are held in place but the center is pressed into a three-dimensional shape.

Regarding claim 27, while Luckett et al. only shows holding a portion of the main layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clamp around the entire periphery of the main layer since this would insure even stretching of the material during the molding process particularly

since the reference describes the clamping mechanism as a frame(Col. 3, ll. 62) and frames conventionally surround all four sides of an article.

Regarding claim 28, while the references do not disclose the secondary layer being at the edge of the main layer, one in the art would appreciate that this would depend on the desired final location of the secondary layer in the product and it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the secondary layer at the edge of the main layer when it was desired to have the secondary layer at the edge of the main layer in the final product and to not clamp the secondary layer as using that section as a clamping margin would increase the cost since a portion of the secondary layer would be discarded.

Regarding claim 30, Moffitt et al. discloses forming the composite by placing the main layer in a die, placing the secondary layer in a recess in a punch which cooperates with the die, applying the punch to the main layer, and removing it, leaving the secondary layer attached to the main layer.(Figures 1, 2A; Pg. 2, ll. 10-11; Pg. 4, ll. 1-13)

Regarding claim 31, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a common reference system for all the parts as this would insure proper alignment of all the parts and layers.

3. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 20 above, and further in view of Spengler et al.(U.S. Patent 4,923,539).

The references cited above do not disclose a foam layer being between the secondary layer and the main layer. Spengler et al. discloses secondary layers made of multiple sheets including one having a foam padding.(Col. 5, ll. 35-38) The foam padding is smaller than the size of the secondary layer so that it is completely covered by the secondary layer.(Figure 4) It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a small piece of foam between the main layer and the secondary layer since this is a known type of insert in the trim panel of an automobile(Abstract), the same type of product as Moffitt et al.(Abstract), and since this allows the trim panel to have different density foams in different locations.

Regarding claims 24 and 25, Spengler et al. states the secondary layers may be made in any manner known in the art.(Col. 5, ll. 41-44) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use adhesive to bond the foam to the secondary layer since this would prevent movement of the layers relative to one another and since Spengler et al. discloses the secondary layers can be made in any manner known in the art.(Col. 5, ll. 41-44)

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luckett et al., Moffitt et al. and Barber et al. as applied to claim 20 above, and further in view of Savonuzzi(EP 0482270A1).

The references cited above do not disclose a thermal protection sheet between the main layer and the foamed material. Savonuzzi discloses applying a thermoplastic shielding layer to the back of layers which are to be injection molded against to prevent the injectable material from permeating through the main layer.(Abstract) It would have

been obvious to one of ordinary skill in the art at the time the invention was made to apply a thermal protection layer to the back of the main layer to prevent the injected resin from permeating through the main layer damaging the product and to prevent heat damage to the main layer.(Abstract)

### ***Response to Arguments***

5. Applicant's arguments filed 5/10/05 have been fully considered but they are not persuasive.

Regarding applicant's argument that the layers of Moffitt et al. shape themselves to the mold during placement in the mold, Luckett et al. shows shaping the layers during closure of the mold since they are flat before mold closure(Figure 1) and shaped after mold closure(Figure 2).

Regarding applicant's argument that accurate positioning of the film is not required by Spengler et al., Luckett et al. is now the primary reference, and discloses using a clamping frame.

Regarding applicant's argument that Spengler cuts the layer after placement in the mold, Luckett et al. clearly shows the layers are not trimmed until after removal from the mold.(Figure 3)

Regarding applicant's argument that Spengler et al. does not disclose using a clamping frame to position the film and inserts, it clearly shows using the clamping frame to position to the film. Since Moffitt et al. discloses joining the inserts to the film, one in the art looking at the combination of references as a whole would appreciate that

Art Unit: 1733

the clamping frame of Spengler et al. could be used for the same purpose, namely accurate placement of the film, in the process of Moffitt et al. since they are making the same general type of article.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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